

REMARKS

Claims 1-15 are all the claims currently pending in this Application.

With the current Office Action, the Examiner acknowledges Applicants' claim to foreign priority and the receipt of the certified copy of the priority document in the parent Application. The Examiner also returns a signed and initialed copy of the PTO form submitted with the Information Disclosure Statement of August 16, 2004.

Applicants note that the Wang reference (US 6,985, 227) is not listed on the PTO-892 form attached to the Office Action. Therefore, Applicants respectfully request that the Examiner include a PTO-892 form listing the Wang reference with the next Office communication.

Amendments

With this Amendment, Applicants amend the specification, abstract, and claims, as shown. No new matter is added.

Objection to the Abstract

The Abstract is objected to. With this Amendment, Applicants amend the Abstract of the Disclosure and respectfully request that the objection thereto be reconsidered and withdrawn.

§101

Claims 2-10 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants note that claims 2-10 are all dependent on non-rejected claim 1. Specifically, claim 1 is expressly noted on page 3 of the Office Action as reciting statutory subject matter since the detection step "can be interpreted as a physical transformation since the beam is transformed into an electrical signal." Claims 2-10, as dependent claims, merely add or further

narrow limitations of claim 1. Therefore, Applicants respectfully submit that the Examiner cannot plausibly argue that the dependent claims, which, by definition, narrow claim 1, are directed to non-statutory subject matter.

§112, second paragraph

Claims 1-15 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In view of the current claim Amendments, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Prior Art Rejections

With regard to prior art, the Examiner has rejected claims 11-13 under 35 U.S.C. §102(b) as being anticipated by Schoeffler et al (US 5,841,538). Claims 14 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schoeffler et al. in view of Wang (US 6,985, 227). Applicants respectfully traverse these rejections.

Applicants submit that Schoeffler fails to teach or suggest a control unit “controlling the photoelastic modulators and driving the pulsed radiation source in a manner correlated with the control of the photoelastic modulators,” as recited. Regarding the control unit, the Examiner refers to the arrangement of the driver (DRV), phase shifter (PHS), and sequencer (SEQ) as used in the polarimeter of Fig. 9 of Schoeffler. However, Applicants submit that none of these components controls photoelastic modulators (PEM1, PEM2), and none of these elements drives the radiation source.

Additionally, Applicants submit that Wang fails to remedy these deficiencies of Schoeffler.

Therefore, Applicants submit that claim 11 is patentable over the cited references and that claims 12-15 are patentable at least by virtue of their dependence on claim 11. Applicants respectfully request that the rejections of claims 11-15 be reconsidered and withdrawn.

Allowable Subject Matter

The Examiner indicates that claims 1-10 contain allowable subject matter. In view of the amendments to claims 1-10, Applicants respectfully request allowance of claims 1-10.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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